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JUN 21 2007

In re Application of : **OFFICE OF PETITIONS**
Mager : DECISION ON PETITION
Application No. 09/611,221 :
Filed: July 6, 2000 :
Atty. Dkt. No.: MAG 0002P :

The above-identified application has been forwarded to the Office of Petitions for consideration of the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181 filed January 25, 2007.

This application was held abandoned June 22, 2006 for failure to timely submit a proper reply to the Notice of Allowance (Notice) mailed March 21, 2006. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed August 17, 2006.

Petitioner continues to allege non-receipt of the Notice mailed March 21, 2006. Petitioner has, moreover, provided supporting documentation to support a contention of non-receipt.

In the absence of any irregularity in the mailing of the Notice, there is a strong presumption that the Notice was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See, MPEP 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather

than a conclusion that the Office communication was lost in the mail.

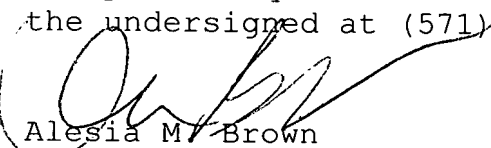
Office records indicate the Office communication was properly mailed to the correspondence address of record at the time of mailing. Accordingly, there was no irregularity in mailing the Office communication on the part of the United States Patent and Trademark Office.

Nevertheless, in view of the evidence presented, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

This application is being forwarded to Group Art Unit 2621 for re-mailing of the Notice of Allowance and Notice of Allowability. The time period for reply will be set therein.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



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Office of Petitions